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Attorneys for Plaintiff
 ONYX PHARMACEUTICALS, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ONYX PHARMACEUTICALS, INC.,

Plaintiff,

v.

BAYER CORPORATION, BAYER AG,
 BAYER HEALTHCARE LLC and
 BAYER SCHERING PHARMA AG,

Defendants.

Case No. C09-02145 MHP

**ONYX PHARMACEUTICALS, INC.'S
 WITHDRAWAL OF OBJECTIONS TO
 BAYER'S EVIDENCE**

Date: April 25, 2011
 Time: 2:00 p.m.
 Judge: Hon. Marilyn Hall Patel
 Trial Date: June 14, 2011

Onyx hereby withdraws its Objections to Bayer's Evidence in Support of Bayer's Motion for Summary Judgment ("Objections), filed on April 19, 2011. (Docket Item No. 136.)

On April 18, Onyx notified Bayer that it intended to file objections to Bayer Exhibits 27, 63 and 81 ("Bayer's Evidence") and offered to meet and confer with Bayer to discuss Onyx's objections. When Bayer did not respond for more than 24 hours, Onyx filed the Objections.

1 Yesterday afternoon, however, Bayer notified Onyx that the Objections were untimely under
2 Local Rule 7-3, recently modified by the Northern District, and requested that Onyx withdraw the
3 Objections. Although Local Rule 7-3(d) allows a party to seek leave to file additional papers
4 after a reply brief is filed, Onyx does not wish to expand the scope of the hearing on Bayer's
5 motion. As stated in Onyx's opposition papers, there are genuine issues of material fact with
6 respect to each of the issues addressed in Bayer's Evidence. Moreover, even if admissible,
7 Bayer's Evidence is unreliable for the same reasons raised in the Objections and, accordingly, is
8 not entitled to weight.

9 Accordingly, Onyx hereby withdraws the Objections. Onyx reserves the right to object to
10 Bayer's Evidence for the purposes of trial.

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12 Dated: April 21, 2011

Respectfully submitted,

13 COOLEY LLP
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15 /s/ Martin S. Schenker
16 Martin S. Schenker

17 Attorneys for Plaintiff
18 ONYX PHARMACEUTICALS, INC.
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